be allowed in all cases of immovable property whether there are points of law or not, or at least in cases of property more than Rs. 500 in value.

Reply of Government.— Cannot be done.

SUBJECT No. 37.

Depositions of witnesses in civil courts.

(*a*) Messrs. S R. Balakrishna Rao, Shimoga municipality, Gundappa, Mysore District Board, H. Sura Sastri, Chikballapur taluk, B. Narasinga Rao, Seringapatam taluk, B. Venkatasamanna, Chitaldrug municipality, K. Ramanna, Hole Narsipur taluk, S. Ramanna, Hassan municipality, S. Venkatesiah, Hassan District Agricultural and Industrial Association, Hutchveeregowda, Gubbi taluk, V Raghavachar, Pavagada taluk, C. Krishnamurti, Law Association, Bangalore, Adinaranayya, Dodballapur taluk, and Ranganna, Dodballapur municipality.

(*a*) & (*b*) Mr. H. Narasinga Rao, Bar Association, Mysore.

Summary of discussion.—(*a*) In civil cases in which an appeal is allowed the depositions of witnesses were being taken down in Kannada by the court clerk, the Judge taking down in English only notes of important facts. This was abolished and the judges were directed to take down the depositions in English only. The hardship caused to the litigant public by the introduction of this system was forcibly brought to the notice of Government last year and the Government were pleased to state that the old system would be revived. No orders have yet been issued to the courts and it is prayed that the orders may be issued reviving the old practice of double record system.

(*b*) A similar system may be introduced in all the criminal courts also where the Magistrates are authorized to take down evidence in the English language.

Mr. S. R. Balakrishna Rao.—Sometimes the judge takes down something quite different from what the witness states. It is difficult to take down in English exactly what the witness states in Kannada.

1st Councillor.— Sometimes the recording of evidence by munshis is very incomplete.

Mr. S. R. Balakrishna Rao.—In this matter, it is not the view of convenience to appellate judges that should prevail but convenience to parties.

Mr. Sura Sastri prayed that the old practice should be revived.

Messrs. S. Ramanna and C. Krishnamurti also urged the same view.

Reply of Government.—Noted. Will be considered.

SUBJECT No. 38.

Copies of plaint petitions to the accused in criminal cases.

Messrs. Adinaranaiya, Dodballapur taluk, and A. Ranganna, Dodballapur municipality.

Summary of discussion.—In criminal cases a copy of the complaint petition may be caused to be given with the summons to the accused to prepare himself for the defence and save expense.

Reply of Government.—Under consideration.

SUBJECT No. 39.

Cost of copies to be included in the decree amount.

Mr G. Narasimhachar, T.-Narsipur taluk.

Summary of discussion.—In order to proceed against immovable properties in execution cases it is necessary to produce decree copy, Registrar's certificate and extract copy. Formerly costs to obtain these were included in

the decree amount. Now this is not done. It is prayed that the former practice of including these costs in the decrees may be brought into force.

Reply of Government.—Will be considered.

SUBJECT No. 40.

Record of confessions by Amildar Magistrates.

Mr. K. S. Santanam Iyengar, Closepet municipality.

Summary of discussion.—It is highly unsatisfactory and against the spirit of the Criminal Procedure Code that the Amildar Magistrates who are Heads of Police in their taluks should be empowered to record confessions. It is prayed that Section 164 of the Criminal Procedure Code may be modified so as to conform with the provisions on the subject in the British Code, where only Magistrates who are not Police Officers are empowered to record confessions.

Mr. Santanam Iyengar stated that even if the confession is recorded by a neighbouring Amildar, he is likely to be prejudiced in favour of the Police, and suggested that 1st Class Magistrates alone should record confessions.

Reply of Government.—Will be considered favourably.

SUBJECT No. 41.

Restoration of the old rule making it obligatory on the part of the son to prove that the debt made by his deceased father was not for the benefit of the family.

Messrs. Gundappa, Mysore District Board, and V. Raghavachar, Pavagada taluk.

Summary of discussion.—Of late it has been decided by the Chief Court that the burden of proving that the debts contracted by the father is for the benefit of the family or otherwise, is upon the creditor and not upon the son as hitherto in force.

This has caused great inconvenience in respect of money dealings, trade, agriculture, etc. Further the object to be realized by the Economic Conference will be frustrated. It is therefore requested that the law hitherto in force may be restored as it does much good to the country.

Reply of Government.—The decision of the Chief Court is not in any way revolutionary so as to necessitate the undertaking of legislation in the matter.

SUBJECT No. 42.

(*a*) Upholding the doctrine "once a mortgage is always a mortgage" or introduction of Transfer of Property Act into Mysore.
(*b*) Conditional sale.

(*a*) Mr. S. Ramanna, Hassan municipality.
(*b*) Mr. M. Subba Rao, Hassan District Board.

Summary of discussion.—(*a*) The equitable doctrine "once a mortgage is always a mortgage till the same is determined by act of parties or by order of Court" is the law as administered in British India for a long series of years even before and after the introduction of Transfer of Property Act in 1882. In all mortgage transactions the same principle has been followed and acted upon by the people hitherto in our Province.

But the recent decision of our Hon'ble Chief Court of Mysore in Venkataramaiya *vs.* Amba Bayi reported on page 136 of XVII, Chief Court Reports, Mysore, is to the effect that no such law exists in Mysore. By reason of this decision, if a mortgagor makes a stipulation in the deed that he would redeem the mortgage within a time and fails so to redeem the property covered in the deed